

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

LILIAN AIDOO, on behalf of herself and  
all others similarly situated,

Plaintiff,

vs.

ASSET ACCEPTANCE LLC,

Defendant.

---

Civil Action No.: 08-CV-6217 (LTS)(DFE)

**MOTION TO DISMISS PLAINTIFF'S  
COMPLAINT FOR FAILURE TO STATE  
A CLAIM PURSUANT TO FED. R. CIV.  
P. 12(b)(6)**

PLEASE TAKE NOTICE, Defendant Asset Acceptance LLC will apply to the United States District Court for the Southern District of New York, before the Honorable Laura Taylor Swain, United States District Judge at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 755, New York, New York for an Order dismissing Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6), together with such other and further relief as the Court shall deem proper. In support of this motion, Asset Acceptance LLC will rely upon the Declaration of Thomas R. Dominczyk and exhibits attached thereto and the Memorandum of Law.

PLEASE TAKE FURTHER NOTICE that any opposing affidavits and answering memoranda shall be served within ten business days after service of the moving papers and any reply affidavits and memoranda of law shall be served within five business days after service of the answering papers.

PLEASE TAKE FURTHER NOTICE that the parties and their attorneys shall only appear to argue the motion if so directed by the court by order or by individual rule or upon application.

Asset Acceptance LLC respectfully requests that the Court enter the proposed order dismissing the Complaint.

Dated: Flemington, NJ  
August 29, 2008

*/s/ THOMAS R. DOMINCZYK*

---

THOMAS R. DOMINCZYK (TD-7835)  
**MAURICE & NEEDLEMAN, P.C.**  
Attorneys for Defendant,  
Asset Acceptance, LLC  
5 Walter E. Foran Blvd., Suite 2007  
Flemington, NJ 08822  
(908) 237-4550  
(908) 237-4551 fax  
[trd@mnlawpc.com](mailto:trd@mnlawpc.com)

**CERTIFICATION OF FILING AND SERVICE**

I certify that on August 29, 2008, the foregoing document was electronically filed via CM/ECF with the Clerk, United States District Court for the Southern District of New York. I further certify that I caused a copy of the foregoing to be served via regular mail on:

Abraham Kleinman, Esq. (AK-6300)  
KLEINMAN LLC  
626 RexCorp Plaza  
Uniondale, New York 11556-0626

By: **/s/ Thomas R. Dominczyk**  
Thomas R. Dominczyk, Esq.

Date: August 29, 2008